

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re:**

**Chapter 7**

**BOAZ BAGBAG,**

**Case No. 08-12667 (MEW)**

**Debtor.**

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**SUMMA CAPITAL CORP.,**

**Adv. Proc. No. 20-1185  
(MEW)**

**Plaintiff,**

**v.**

**BOAZ BAGBAG,**

**Defendant.**  
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**SCHEDULING ORDER AND TEMPORARY RESTRAINING ORDER**

Plaintiff Summa Capital Corp. (“Summa”) has filed an Emergency Motion For Injunctive Relief Against Defendant Boaz Bagbag (the “Motion”) [ECF # 25], seeking to enjoin Bagbag and his counsel from pursuing the proposed Third, Fourth and Fifth Causes of Action asserted in the Second Amended Complaint dated May 14, 2020 filed in the Supreme Court of the State of New York, County of New York, under Index No. 161205/2020 [NYSCEF # 80]; and the Court having reviewed the Motion, the relevant state court papers, and the Opposition of Boaz Bagbag To Plaintiff’s Emergency Motion For Injunctive Relief [ECF # 27]; and the Court having heard the arguments of the parties at a hearing on May 21, 2021; and it appearing to the Court that the proposed additional causes of action that Bagbag proposes to pursue in state court constitute requests that the state court reconsider and rule upon issues that this Court has already considered and decided adversely to Bagbag regarding Summa’s rights to pursue the enforcement of a judgment entered by this Court, the interpretation of a prior court-approved Stipulation and this Court’s jurisdiction over the judgment enforcement proceedings, and therefore that Plaintiff has established a likelihood of success in showing that the new causes of action are impermissible attempts by Bagbag to litigate the same issues in multiple courts at the

same time and also to relitigate, in a state court, matters that this Court has already decided against Bagbag; and it further appearing to this Court that in the absence of a temporary restraining order Plaintiff and the Plaintiff's principal and attorneys (who are also defendants in the state court litigation) are threatened with irreparable harm in that they may improperly be subjected to multiple litigations in different courts over the same issues and/or to a relitigation of issues that have already been decided against Bagbag, and may be forced to incur costs for which they will have no clear right to recompense; and it further appearing that a temporary restraining order is also appropriate and necessary to protect the integrity of this Court's prior rulings, to protect against improper collateral attacks on those rulings, and to protect this Court's jurisdiction over matters that have already been raised and litigated before this Court; and for good cause and the other reasons stated on the record on May 21, 2021:

IT IS HEREBY ORDERED THAT:

1. The Court will hold a hearing on the request for injunctive relief on **June 9, 2021 at 10:00 a.m.** Defendant Boaz Bagbag shall file any objections or other responses to the requested relief on or before June 4, 2021. Plaintiff shall file any reply to the objections/responses on or before June 8, 2021 at 12:00 noon.

2. Pending the hearing and determination of the request for injunctive relief, defendant Boaz Bagbag and his attorneys are temporarily restrained from taking any actions to pursue or to seek relief with respect to the Third, Fourth and Fifth Causes of Action asserted in the Second Amended Complaint dated May 14, 2020 filed in the Supreme Court of the State of New York, County of New York, under Index No. 161205/2020 [NYSCEF # 80]. This restraint shall prohibit the pursuit of those claims against all of the parties against whom Bagbag has proposed to assert such claims.

3. Upon the Court's motion, this adversary proceeding is reopened.

Dated: New York, New York

May 21, 2021

Time: 5:15 p.m.

**s/Michael E. Wiles**

THE HONORABLE MICHAEL E. WILES  
UNITED STATES BANKRUPTCY JUDGE